the declaration of the said State of Maryland in the plea aforesaid
Whereupon it is further ruled by the Court here that the said Richard Gardiner answer to the declaration of the said State of Maryland in the plea aforesaid, and if he doth not Judgment will be rendered against him by default, And the said Richard Gardiner by his Attorney aforesaid further defends the wrong and injury when and soforth and prays further leave of the Court here to imparle until the third Monday of March next to answer to the declaration aforesaid in the plea aforesaid and he hath it, the same day is given to the said State of Maryland then and soforth.

At which mentioned third Monday of March being the 26th day of the same month in the year of our Lord one thousand eight hundred and forty three, until which said day the said Richard Gardiner had further leave of the Court here to imparle and then to answer to the declaration aforesaid in the plea aforesaid comes again into the County Court here, as well the said State of Maryland as the said Richard Gardiner by their attornies aforesaid. And the said Defendant by his said Attorney defends the wrong and injury when and soforth & craves oyer of the the writing obligatory and the Condition thereof mentioned and it is read to him in these words towit: "Know all men by these presents that we Leonard Coomes, William P Ford and Richard Gardiner of Charles County and State of Maryland, are held and firmly bound unto the State of Maryland in the full and just sum of three thousand Dollars lawfull money of the united States to be paid to the said State of Maryland or to the said States certain Attorney, to which payment well and truly to be made and done, we bind ourselves and every of us our and every of our heirs Executors and administrators jointly and severally firmly by these presents sealed with our seals and dated this 22d day of November in the year of our Lord one thousand Eight hundred and twenty

Whereas the aforesaid Leonard Coomes one of the representatives of Richard Coomes late of the County aforesaid Deceased, did at the present November Term of Charles County Court elect to take all the real Estate of the said Richard Coomes Decd at the valuation of the Commissioners appointed by the said Court to value and devide the said real estate, which said real estate is called & known by the name of the two Partiners Resurveyed Part of the Meadows, and Part of the Lord, lying & being in the County aforesaid and Containing one hundred and seventy eight acres and three rood of land which said real Estate was valued by the Commissioners at the sum of seven Dollars per acre, amounting to the sum of $1251.25. The Condition of the above obligation is such that if the above bounden Leonard Coomes his heirs Executors and administrators do and shall well and truly pay or Cause to be paid to such of the heirs and such of the representatives of the said Richard Coomes deceased as may be entitled by Law to receive the same, their several just proportions of the aforesaid sum of one thousand two hundred and fifty one dollars and twenty five cents current money with legal interest thereon from the date hereof, on or before the twenty second day of November next then the above obligation to be void else to be and remain in full force and virtue in Law.

Leonard Coomes (Seal)
William P Ford (Seal)
Richard Gardiner (Seal)

signed sealed & delivered in the presence of William Thompson

which being read and heard the said Defendant says that the said State ought not to have & maintain its action aforesaid against him because he says that the debt or thing in action in the said writing obligatory, and the condition thereof mentioned was above twelve years standing at the time of the impetration of the original writ in this cause and this he is ready to verify wherefore he prays Judgment if the said State its action aforesaid thereof against him to have or maintain ought and soforth.

2d And for further plea in this behalf the said Defendant by leave of the Court here for this purpose first had and obtained, according to the form of the Statute in such case made and provided in like manner as above comes and craves oyer of the said writing obligatory and the Condition thereof and it is read in the words aforesaid (see the bond and Condition hereinbefore set forth) which being read and heard the said Defendant says that the said state its action aforesaid against him ought not to have or maintain because he says that the said Leonard Coomes in the Condition of the said writing obligatory mentioned from the time of making the said writing obligatory hitherto hath well & faithfully observed performed fulfilled and kept all and singular the matters and things in the Condition of the said writing obligatory mentioned & Contained which he according to the Condition thereof ought to have observed, performed, fulfilled and kept towit at the County aforesaid and this the said Defendant is ready to verify wherefore he prays Judgment if the said State ought to have or maintain its aforesaid action against him. And thereupon the said defendant by his said Attorney prays that the said State may reply to the answer of the said Defendant in the plea aforesaid, Whereupon it is ruled by the Court here that the said State of Maryland reply to the answer of the said Defendant in the plea aforesaid, and if she doth not reply to the said answer of the said Defendant judgment will be rendered against the said State by Default

And the said State of Maryland by its Attorney aforesaid saith that the said State by any thing in the plea above alledged by the said Defendant ought not to be precluded from having & maintaining the action aforesaid against him the said Defendant because the said State says at the said time when the said debt or thing in action in the said writing obligatory in the said declaration mentioned, did accrue the said Richard Coomes was non Compos mentis, and so Continued for a long time towit until the time of his death which happened on the day of in the year 1841, and the said State saith that within twelve years next after the death of the said Richard Coomes towit, on the day of 1841 the original writ in this cause was sued out & prosecuted against the said Defendant towit: at the County aforesaid and this the said State is ready to verify Wherefore the said State prays Judgment and the debt aforesaid together with the Damages for the detention thereof to the said State to be adjudged, and soforth.

And the said State as to the plea secondly above pleaded by the said Defendant by its said Attorney in this behalf saith that the said State by any thing by the said Defendant in his said plea alleged ought not to be precluded from having & maintaining the action aforesaid against him the said Defendant because protesting that the said Leonard Coomes in the Condition of the writing obligatory mentioned did well and faithfully observe perform fulfill and keep all and every thing in the Condition